

06/24/03
16351 U.S. PTO

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PTO/SB/05 (03-01)
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	10177-191-999	Total Pages	71
First Named Inventor or Application Identifier			
Ding			
Express Mail Label No.	EV 335 856 729 US		

16018 U.S. PTO
10/603115
06/24/03

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Address to:

**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 35]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 9]
5. ☒ Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment with Exhibit A
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) | of prior application No.: 09/942,716 filed August 30, 2001.

Prior application information: Examiner: Barrett Group Art Unit: 3738

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number



20583

or ☐ Correspondence address below

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ADDRESS			
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COUNTRY	TELEPHONE	FAX	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

NY2: 1425487.1

- 4a. ☒ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Schneider (USA) Inc. on December 22, 1997 at Reel 8917, Frame 0115.
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/942,716, filed August 30, 2001, is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
- 8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- 11. ☒ Additional enclosures or instruction: (1) Preliminary Amendment with Exhibit A; (2) Information Disclosure Statement; and (3) revised PTO Form 1449.

Date June 24, 2003

Respectfully submitted,


Gidon D. Stern

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711

27,469
(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPrior application: Examiner BarrettArt Unit 3738

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. filed on

of Ding et al.

(inventor(s) currently of record in prior application)

for DRUG COATING WITH TOPCOAT

(title of invention)

1. ☒ The filing fee is calculated below based on the Preliminary Amendment concurrently submitted herewith:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	168	- 20	148	\$18.00 each	\$ 2664.00
Independent	28	- 3	25	\$84.00 each	\$ 2100.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee					
If Applicable (\$280.00)					\$ 280.00
Total					\$ 5794.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 5794.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation of U.S. Application No. 09/942,716, filed August 30, 2001, which is a continuation of U.S. Application No. 09/573,506, filed May 18, 2000, now issued U.S. Patent No. 6,284,305, which is a division of U.S. Application No. 08/996,410, filed December 22, 1997, now issued U.S. Patent No. 6,099,562, which is a continuation-in-part of U.S. Application No. 08/663,518, filed June 13, 1996, now issued U.S. Patent No. 6,120,536, which is a continuation-in-part of U.S. Application No. 08/526,273, filed September 11, 1995, now abandoned, which is a continuation-in-part of U.S. Application No. 08/424,884, filed April 19, 1995, now abandoned, each of which is incorporated by reference in its entirety.